

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:03-CR-156-1H
No. 5:16-CV-85

JAMES DAVID SMITH,)
Petitioner,)
v.) ORDER
UNITED STATES OF AMERICA)
Respondent.)

This matter is before the court on petitioner's motion to resentence him in absentia. The government does not oppose the motion nor does the government oppose a sentence of time served and a one-year term of supervised release.

For good cause shown, the motion for resentencing in absentia is GRANTED. This matter remains SCHEDULED for resentenceing at the court's December 5, 2017, criminal term. The United States Probation Office is DIRECTED to provide the parties and the court with a resentencing memorandum.

This 15th day of November 2017.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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